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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 563rd MEETING*

Held at the Palais des Nations, Geneva,
on Wednesday, 22 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

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* No summary record was issued for the 562nd meeting.

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The meeting was called to order at 3 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 5)

1. The CHAIRPERSON, noting that, because of the formal atmosphere in which they had taken place, the meetings devoted to cooperation had in previous sessions proved less constructive than had been hoped, invited the representatives of the specialized agencies and other bodies to submit their written statements, but to avoid reading them out. The Committee members had expressed the desire that the participants should engage in a lively and constructive dialogue leading to lasting improvements in cooperation. The Committee was especially interested in the views of the participants with respect to ways of improving cooperation, for example in follow-up and report preparation in the field, and in the Committee's work in Geneva.

2. Mr. STAHLHOFER (World Health Organization (WHO)) said WHO was probably the organization with the least experience in cooperation at the country level. It had only just begun a discussion on how to strengthen reporting and the provision of data, both internally and from other partners. WHO also wished to take a more active part in the preparation of the various reports to the treaty bodies, which it had not so far done because of a lack of expertise in that area. The organization would thus have to train staff, first at headquarters and then in the field, in the preparation of reports. Such training was due to begin in the near future.

3. As for the follow-up to health-related concluding observations drawn up by the Committee, WHO often had insufficient knowledge of the activities to which the Committee referred, and in any case lacked the capacity to make an effective contribution. However, the organization was studying the possibility of playing a more active role in human rights, which was a position supported at the highest level.

4. Ms. MILLER (United Nations Children's Fund (UNICEF)) said that many cooperation issues had been discussed at a meeting held at UNICEF's Geneva office during the Committee's previous session. UNICEF highly appreciated the work of the Committee and saw valuable synergy between the two bodies. It was very active in encouraging Governments to submit reports, not least because in meeting their reporting obligations the latter had to confront a large number of issues and problems that would otherwise not receive the required attention. It was particularly helpful to UNICEF that the reporting procedure involved broad participation by local organizations, as that sensitized Governments still further to problems requiring technical support, including help from UNICEF.

5. There was clearly a connection between the Committee's concluding observations and UNICEF's work in the field. The concluding observations served as an authoritative source of support for UNICEF's activities, for example in cases where the Government concerned had been less than supportive of the organization's initiatives.

6. UNICEF had significantly increased attendance by its field staff at both the pre-sessional working group and the regular session. For example, at the

last two sessions UNICEF field staff from each country had been represented. That reflected a better understanding on their part of the usefulness of the Committee's work and its synergy with their own pursuits. Increasingly, responsibility was being assumed by UNICEF field personnel for coordinating the various partners in the follow-up to the Committee's observations, and more specifically for organizing efforts to implement its recommendations. Perhaps some guidelines for field offices should be drawn up to share their positive experiences and give examples in that regard. The next step should be the creation of a practical link between the recommendations and UNICEF's programming and planning process. As had been noted in their previous meeting, UNICEF and the Committee should work to establish a meaningful mechanism for feedback during the five-year interval between periodic reports. Staff in the field would certainly be more motivated if they knew that their reports would serve to keep the Committee up to date on the situation of children in their countries of assignment.

7. Her organization, and especially its field offices, had received many complaints about the backlog in the Committee's work. Often the local UNICEF office would work hard to urge a Government to submit its report on time, only to learn later that the Committee had postponed consideration of that particular report, sometimes for up to two years. In such cases, UNICEF explained the reasons for the backlog and the Committee's efforts to clear it, but it was important for the Committee to note the dissatisfaction expressed by Governments.

8. It was worth making the point that Governments which did not have permanent missions in Geneva often turned to UNICEF for logistic assistance in making arrangements and reserving accommodation for their delegations attending sessions of the Committee. That was only understandable, as UNICEF strongly urged them to send representatives to the Committee's meetings and could hardly leave them without assistance. However, the role the organization played in its effort to be helpful represented an extra burden, which did not fall within its mandate. Perhaps some coordination with the secretariat would be appropriate.

9. Ms. NOGUCHI (International Labour Office (ILO)) said that ILO had made an effort to inform its offices in the field of the Committee's proceedings, concluding observations and recommendations. Interestingly, it had found that Governments tended to be much more frank and forthcoming about problems and challehges in their reports to the Committee than they were in their reporting to ILO. States were required to inform ILO on various matters covered by international labour conventions, yet their reports tended to deny the existence of problems such as child labour, while those submitted to the Committee would in the same cases acknowledge that such problems did exist. The difference was perhaps attributable to the consultation of non-governmental organizations (NGOs) during the drafting of the Committee's reports. In any case, the information submitted to the Committee constituted a valuable source for ILO field and headquarters staff, and for those working on the question of child labour in particular.

10. Over and above the standard-setting work of the organization, ILO also had a number of departments engaged in technical cooperation, including the International Programme on the Elimination of Child Labour (IPEC). Under the

leadership of the new Director-General, the office had decided to place more emphasis on IPEC. The appropriate departments would be invited to increase their cooperation with the Committee so as to enhance the effectiveness of their work.

11. ILO conventions often suffered from the absence of ratification, which impaired their authority and made it difficult for ILO to urge States to comply with their provisions. The Convention on the Rights of the Child, on the other hand, enjoyed universal acceptance and served as a reference for ILO's promotion of practical measures to improve the situation of children throughout the world.

12. The CHAIRPERSON, noting that the Committee had consistently called on countries that had not yet done so to ratify ILO Convention No. 138, asked to what extent ILO field personnel had been trained in methods that could be of assistance to the Committee's work. In what way could they help countries to prepare their reports, and how could they assist Governments to implement the recommendations formulated by the Committee? Perhaps Ms. Noguchi could try to cover those questions during the course of the meeting.

13. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention on the Rights of the Child) said that NGOs should collaborate in the drafting of country reports, but should not actually write them or draft joint reports with their Governments. It should be clear that the responsibility for writing and submitting reports lay with Governments, and NGOs should maintain their role as monitors. In cases where reports had been drafted jointly, some NGOs had found themselves in the regrettable position of being unable to submit supplementary information to the Committee.

14. The secretariat was to be commended for informing the NGO Group immediately of the submission of reports. It had also made certain reports available in their original formats, prior to repagination and editing for United Nations publication and before the translated versions were published, thus saving precious time.

15. On the other hand, the lack of information from NGO sources was most acute in a few regions or types of States, including central Africa, the Middle East, small island States and other very small countries. The NGO Group was addressing those shortcomings, for instance by carrying out more training sessions and identifying NGOs which were likely to provide the Committee with information. It was also trying to keep NGOs up to date on deadlines for the submission of information, a task which had been complicated by the frequent changes to the Committee's timetable. Because information on the rights of the child in most countries emanated not from a single NGO but from many which had to work in concert, a great deal of time was required.

16. The Committee members had probably noticed that the NGO presentations on the two countries submitting periodic reports at the current session had addressed the interests and concerns previously expressed by the Committee. That was a direct result of the NGO Group's coordinating efforts. The more information the Committee could provide, the better the participating NGOs

could tailor their presentations to meet its needs. Because most of the Committee's deliberations on its own working methods took place in private, it was very important to keep NGOs informed of any changes or specific requirements so as to make the best possible use of NGO field resources.

17. Beginning in 2000, the NGO Group hoped to be in a position to translate at least some of the NGO information into English, which was the working language of most of the Committee members. The aim was to increase access to the information and at the same time to spread the burden, which would otherwise fall on the few Committee members who understood the original language of submission.

18. The pre-sessional working group had allotted only a limited amount of time for discussions with NGOs. NGO representatives who travelled very long distances were understandably eager to enter into dialogue, and the time constraints had led to frustration. Perhaps there would be some way to arrange for contacts between Committee members and NGO and UNICEF field staff outside the meeting room, for example at lunches or during other intervals so as to take full advantage of their presence in Geneva. The same problem existed with regard to the plenary sessions.

19. NGOs were somewhat disconcerted by the lack of direct impact their presentations had had on the lists of issues. Regarding follow-up, both international and national NGOs felt that the concluding observations tended to follow a uniform pattern and the Committee should make an effort to tailor them to the specific situation of each country. NGO representatives were also frustrated because of the lack of a mechanism in the Committee to handle urgent appeals. The current procedure, whereby the Committee simply "took note" of such appeals or complaints, was considered unsatisfactory. Her organization was not soliciting such communications, as it believed the Committee did not want to receive them. Some clarification would be most welcome in that regard.

20. Mr. DOEK remarked that the Committee should do its utmost to maintain its good relationship with the United Nations agencies and NGOs, which was crucial to its work. Given the time constraints on Committee sessions, NGO representatives could perhaps meet with Committee members during lunch breaks to exchange ideas and ensure that the lists of issues better reflected their input.

21. With regard to the specialized agencies, while he appreciated WHO's significant contribution, he suggested that it could make further inputs to the Committee's work at the country level by, for instance, improving international standards for dealing with health-related problems, as it was already doing in the area of sexual abuse. Where ILO was concerned, whereas national reports often mentioned memoranda of understanding concerning the International Programme on the Elimination of Child Labour (IPEC), they did not always specify the content or the practical action taken. He would therefore welcome regular information on IPEC-related activities. He expressed satisfaction with UNICEF's contribution, but suggested that the Committee explore ways of supporting UNICEF's role as a travel agent, guide and housing facilitator for certain delegations. He also advocated linking the Committee's recommendations to UNICEF's country reports and plans.

22. The CHAIRPERSON said it would be mutually beneficial if all partners consistently invited Committee members - who represented different geographical areas - to their regional meetings in order to enhance inter-agency cooperation.

23. Mrs. SARDENBERG welcomed the presence of those agencies which had attended what she viewed as the first assessment meeting, and regretted that more had not done so. It was vital to review and expand relations with partners, which had been a fundamental aspect of the Committee's work from its inception and should be continued pursuant to article 45 of the Convention. The agencies present might lobby others to encourage them to attend the Committee's sessions, since they were in a strategic position to provide the Committee with information. She applauded the fact that some agencies were becoming increasingly involved in staff training, in the reporting process, and in the other phases of implementation. She particularly welcomed WHO's efforts to incorporate the human rights dimension in its work, a vital aspect of the United Nations current approach.

24. She stressed the need for continuity in view of the fact that projects launched were sometimes discontinued for various reasons. Guidelines should be adhered to as closely as possible in order to facilitate the Committee's work and enable it to combine its own information with that provided in the national reports. The Committee's report assessment would benefit from new guidelines on sexual abuse and other issues.

25. She welcomed UNICEF's offer to play a coordinating role, and called for closer integration of summit goals with the Committee's implementation task. It was therefore crucial, even at the country level, for those goals to be absolutely clear. The Committee's assessment capacity needed to be improved, since its scrutiny of initial reports would one day come to an end and it would be dealing exclusively with periodic reports. With regard to ILO, she agreed with Mr. Doek on the need for more detailed reporting on IPEC-related programmes, and advocated close follow-up of implementation of the new ILO Convention No. 182 on the Worst Forms of Child Labour.

26. There were two problems which the Committee needed to solve with regard to NGOs: one was the time allotted them when they addressed the Committee, and the other was the language difficulties, which sometimes prevented them from communicating with the Committee.

27. Mrs. EL GUINDI, while praising NGO participation, which was important given their easier access to information on critical child issues, wondered what criteria were applied in selecting NGOs to be represented at meetings of the pre-sessional working groups.

28. Mrs. KARP said that ways should be sought of making the important partnership with NGOs and agencies more effective, not only because it enhanced the Committee's role, but also because they could monitor implementation of the Convention in the field. She understood the frustration of NGOs, which, given their considerable input into country reports, were prevented by time constraints from speaking at length when they addressed the Committee. The NGO Group could help NGOs prepare for their dialogue with the Committee, impressing upon them the fact that the exercise should be mutually

beneficial and the need to be more focused in the information they supplied and the questions they wished the Committee to put to delegations. Different guidelines were perhaps needed to ensure that NGOs apprised the Committee of deficiencies in country reporting and highlighted issues on which the Committee's concluding observations should focus.

29. Ways should be found for the specialized agencies to encourage those working in the field to adopt a rights-based approach and ensure that children's rights were incorporated into Governments' plans of action. UNHCR and WHO had already embarked on such a course. While inter-agency cooperation in the field was important, it was perhaps too far-reaching. She recommended that UNICEF's use of NGOs in specific fields should serve as a model for other agencies - perhaps through a network of NGOs working in a particular country - to provide grassroots information.

30. While she supported the idea of developing guidelines in the various fields, she felt that WHO's guidelines on health, for instance, should be multisectoral and take account of those established in other areas. Each agency should also provide the Committee with an overview of trends and achievements in the area of children's rights, not for a specific country, but with regard to its own activities. She appreciated UNICEF's willingness to serve as a focal point for coordinating implementation and its provision of technical assistance for the juvenile justice system by organizing joint meetings with Governments, NGOs and other agencies. She would recommend that such assistance be extended to other areas.

31. Mr. RABAH endorsed his colleagues views on partnership as a complement to the Committee's normal work. Once its recommendations had been issued, it would be useful if NGOs and specialized agencies could act as watchdogs, report to the Committee at each session, and furnish comprehensive data on the implementation of all recommendations made to each State party. Child labour being a serious issue, ILO could, for instance, report on implementation of its new Convention No. 182. Since, for a variety of reasons, Committee members rarely visited the field, UNICEF - with its many country offices - could provide the Committee with detailed, up-to-date information on each State party.

32. Mrs. TIGERSTEDT-TÄHTELÄ cited the UNICEF brochure to the effect that Governments and international financial institutions had come to recognize that expenditures on human development were both sound economic investments and necessary conditions for the enjoyment of human rights. She wondered in that connection why the international financial institutions were not represented at the current meeting, and whether the agencies present cooperated with them.

33. The CHAIRPERSON noted that the Committee itself cooperated with the international financial institutions, which were regularly invited to its sessions and at times attended. That trend should be encouraged. The need for the corporate community and the financial institutions to be more human rights-oriented was the subject of much interest, and had recently been mentioned in statements by the United Nations High Commissioner for Human Rights and the Directors General of UNICEF and WHO.

34. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention on the Rights of the Child), in reply to an earlier question, explained that the Group did not actually select NGOs to attend the sessions of the pre-sessional working groups, but simply attempted to inform as many national NGOs as possible that their Government had submitted a report to the Committee and that information from them would be welcome. In doing so it relied on its databases and NGO members of the Group, while in countries where it had no contacts it looked to UNICEF for guidance.

35. The Group promoted the submission of joint reports by national coalitions of NGOs, but that process was stimulated at the national level rather than by the Geneva staff, whose role was limited to the provision of training and support. The Group recommended that the reporting process, especially with regard to initial reports, should not be limited to the capitals. It tried to be as inclusive as possible, and transmitted all the information it received to the Committee.

36. The CHAIRPERSON reminded the meeting that it was for the committee to invite NGOS to participate in its pre-sessional working groups and read out rule 34 of the Committee's rules of procedure to that effect.

37. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention of the Rights of the Child) said that maps of the kind suggested by a member of the Committee were an excellent idea. Naturally they would have to be produced at country level, and funding would be required. Such maps did exist, but they were very few and far between.

38. Regarding the impact on the pre-sessional working group of the increase in the number of reports considered, she said her Group attempted to provide NGOs with guidelines on how to present information to the Committee. Its briefings would be improved, however, if the Committee provided it with more direction regarding its goals for the pre-sessional working group. Making the lists of issues and concluding observations more strategic and country-specific was one of the Group's concerns.

39. She agreed that no real mechanism existed for follow-up to the Committee's concluding observations. On that point also, the NGO Group would also appreciate guidelines from the Committee. The monitoring process was a huge task, and NGOs needed to know how the follow-up information they provided would be used.

40. Ms. MILLER (United Nations Children's Fund (UNICEF)) associated UNICEF with the comments of the representative of the NGO Group with regard to the expectations of people who travelled from the field to participate in the Committee's pre-sessional working groups. She agreed that UNICEF had an important role to play in the follow-up to the Convention, and its work would be facilitated by the fact that it had incorporated the reporting process. With regard to Mr. Rabah's comment about the regular supply of information, she said that, in addition to UNICEF's overall report, each UNICEF country office produced an annual report, which she would be happy to make available to the Committee. Once field participants in a pre-sessional working group

had returned to their countries of assignment, the Committee might also contact them directly for follow-up, through e-mail and other forms of communication.

41. Ms. NOGUCHI (International Labour Organization (ILO)) said that the International Programme on the Elimination of Child Labour (IPEC) was a new programme which was expanding at great speed; once it had digested the large volume of information being submitted to it, she was certain that it would be very interested in cooperating with the Committee. In reply to a remark by the Chairperson, she said she agreed that it would be helpful for a representative of IPEC to attend Committee sessions in the future. An important potential area of cooperation between IPEC and the Committee was the ratification of ILO Convention No. 182, the Worst Forms of Child Labour Convention. She noted that ILO regarded the Convention on the Rights of the Child as something of a role model because of the wide ratification it had achieved. In that connection, the Committee might wish to receive further information about ILO's 1998 Declaration on Fundamental Principles and Rights at Work, which included the area of child rights.

42. ILO's tripartite structure enabled it to be of help at the national level in addition to the preparation of reports. Trade unions were active in social areas important to national development, and employers exerted a strong influence on national measures.

43. Mr. STAHLHOFER (World Health Organization (WHO)) said that there was an increased level of awareness within WHO of child rights. Recent activities such as the Tobacco-free Initiative and the world report on violence currently under preparation specifically included child rights, and the experts developing the guidelines for the prevention of child abuse also took the Convention into account. He agreed that there was a need for further information-sharing with the Committee.

44. The CHAIRPERSON, summing up the debate, said that first, the Committee recommended that all United Nations partners attempt to incorporate the child rights approach into all aspects of their work at both headquarters and in the field. Second, coordination between the United Nations and NGOs in the field should begin with the preparation of a State party report and continue through follow-up of the Committee's concluding observations. Third, to lessen frustration on both sides when field staff came to participate in pre-sessional working group meetings, Mr. Doek's suggestion regarding lunch and dinner encounters might be taken up. Fourth, the Committee welcomed feedback concerning its concluding observations and recommendations and agreed on the need to improve quality and reduce its backlog of work. Fifth, because the Committee did not have a field presence, continuous cooperation between it and its partners in the field was all the more important for follow-up to the implementation of the Convention.

The meeting rose at 5 p.m.